



# Southeast Fishery Bulletin

National Marine Fisheries Service, Southeast Regional Office, 263 13<sup>th</sup> Avenue South, St. Petersburg, Florida 33701

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## FOR IMMEDIATE RELEASE:

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## Proposed Changes to Regulations for Bycatch Reduction Devices in the Gulf of Mexico Shrimp Fishery

On June 3, 2008, NOAA's National Marine Fisheries Service (NOAA Fisheries Service) began accepting public comment on proposed changes regarding the use of bycatch reduction devices (BRDs) in the Gulf of Mexico shrimp fishery. In summary, NOAA Fisheries Services proposes to:

- Decertify the Expanded Mesh BRD
- Decertify the Gulf Fisheye BRD
- Establish a more restrictive placement for the Fisheye BRD.

The intended effect of this proposed rule is to improve bycatch reduction in the shrimp fishery and better meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. See the **Dates and Addresses** section at the end of this bulletin for information on how to submit comments.

### Background

BRDs have been required in shrimp trawls since 1998 for the western Gulf of Mexico, and since 2004 for the eastern Gulf of Mexico. NOAA Fisheries Service recently published a final rule that, in part, revised the certification criterion for BRDs used in the western Gulf of Mexico. This change creates a consistent BRD certification criterion throughout the southeastern shrimp fisheries; a BRD is certified if it can be demonstrated to reduce finfish bycatch 30 percent by weight. In accordance with the framework procedures for adjusting management measures of the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico, NOAA Fisheries Service is now proposing to decertify the Expanded Mesh and the Gulf Fisheye BRDs because they do not meet the new criterion, and to establish a more restrictive specification for the Fisheye BRD.

The Fisheye BRD and Gulf Fisheye BRD are the two dominant BRD designs currently used in the Gulf of Mexico. These two BRDs are actually the same device; the only difference between them is in where they are placed within the cod end of the trawl. The Fisheye BRD must be placed along the top center of the cod end

of a shrimp trawl no further forward than 11 feet from the cod end tie-off rings. The Gulf Fisheye BRD is the same fisheye-type device that may be placed 15 meshes on either side of top center, between 8.5 feet and 12.5 feet from the cod end tie-off rings, thus expanding the allowable placement of the device in the cod end. These two (overlapping) configurations of the fisheye-type device are also certified for use in the South Atlantic region.

Because of the simplistic design of the fisheye-type device and its low cost, it became the industry standard. The most common placement of the fisheye-type device is greater than 10.5 feet from the trawl cod end's tie-off. New data collected aboard Gulf of Mexico shrimp vessels indicate that, in this configuration, the device does not meet the 30 percent finfish reduction certification criterion. This proposed rule would decertify the Gulf Fisheye and Fisheye BRDs, as currently defined, for the Gulf of Mexico shrimp fishery.

However, placed no farther forward than 9 feet (102-105 meshes) from the tie-off rings, the fisheye-type device has been shown to achieve a 37 percent reduction in total finfish by weight when used by Gulf of Mexico shrimp vessels. There is a 98 percent probability the true reduction rate of the device in this placement meets the certification criterion. The proposed rule would certify the Fisheye BRD in this more restricted specification.

Similarly, it appears the efficiency of the Expanded Mesh BRD, currently certified for use in the eastern Gulf of Mexico and South Atlantic, has decreased. During the original tests of the Expanded Mesh BRD in the mid-1990s, it achieved a 30 to 35 percent reduction in the weight of finfish bycatch. Recent tests of the Expanded Mesh BRD in the Gulf of Mexico indicate it is only achieving about a 17 percent reduction in the weight of total finfish bycatch. The proposed rule would also decertify the Expanded Mesh BRD in the Gulf of Mexico.

There would be no changes to the allowable BRDs in the South Atlantic. The shrimp fishery in the South Atlantic tends to operate in shallower water and has a different species composition to its bycatch. The new information on the fisheye-type BRDs and Expanded Mesh BRD was collected in the Gulf of Mexico; there are no new data collected from the South Atlantic fishery to indicate the BRDs are not meeting the bycatch reduction targets. NOAA Fisheries Service intends to investigate the efficacy of these BRDs in the South Atlantic fishery before making additional decisions regarding the status of the Fisheye BRD and Expanded Mesh BRD for use in the South Atlantic fishery.

#### Dates and Addresses

Written comments on these proposed changes must be received no later than 5 p.m., Eastern time, July 3, 2008. You may submit comments, identified by 0648-AV14, by any one of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal at <http://www.regulations.gov>
- Fax: 727-824-5308, Attn: Steve Branstetter
- Mail: Steve Branstetter, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, Florida 33701.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected

information. NOAA Fisheries Service will accept anonymous comments. Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

Comments received by July 3, 2008, will be considered by NOAA Fisheries Service in its decision to approve, disapprove, or partially approve the proposed actions. Comments received after that date will not be considered by NOAA Fisheries Service in this decision. All comments received by NOAA Fisheries Service will be addressed in the final rule.

This bulletin provides only a summary of the information regarding the proposed rule. Any discrepancies between this bulletin and the proposed rule published in the *Federal Register* will be resolved in favor of the *Federal Register*.

#### How Can We Improve These Fishery Bulletins?

If you have any suggestions on how we may improve future fishery bulletins, please contact:

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If you would like to receive these fishery bulletins via e-mail as soon as they are published, e-mail [SERO.Communications.Comments@noaa.gov](mailto:SERO.Communications.Comments@noaa.gov) and include: (1) "Request for Electronic Fishery Bulletins" in the subject line; and (2) Your preferred email address in the body of the email.